

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-29878 - APPLICANT/OWNER: CAROLYN
AHERN

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to C-2 (General Commercial) on 1.66 acres on the east side of Oso Blanca Road approximately 850 feet north of Kyle Canyon Road.

In addition to this request, the applicant has submitted a request for a General Plan Amendment (GPA-29877) to Amend a portion of the of the Centennial Hills Sector Plan of the General Plan from PCD (Planned Community Development) to GC (General Commercial) and a Site Development Plan Review (SDR-29879) for a proposed 3,400 square-foot Convenience Store and Car Wash with Fuel Pumps and a 5,300 square-foot Restaurant with Drive-Thru with Waivers of the perimeter landscape requirements to allow a six-foot buffer along the south and east property lines where eight feet is required and a six-foot buffer along the west property line where 15 feet is required. Additionally, the applicant has submitted a request for a Variance (VAR-29881) to allow a 13-foot setback along the east property line where 20 feet is required.

The surrounding land uses include Clark County H-2 (General Highway Frontage) to the west and U (Undeveloped) [SC (Service Commercial) General Plan designation] zoned property to the south, while U.S. 95 right-of-way exists to the north and east. The greater surrounding area consists of parcels zoned U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to the west and a small swath of parcels zoned U (Undeveloped) [SC (Service Commercial) General Plan designation] to the south. Staff finds that this proposal meets the Title 19.20.020 definition of Spot Zoning, which is, "Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan." Additionally, while access to the site currently exists, due to the premature nature of this request, it is difficult to determine if future site access to the subject property will be adequate to support the proposed uses as a portion of this property sits within the proposed Northern Beltway/U.S. 95 Interchange. Future road realignments may leave this property isolated and the future road network may not be able to support direct access to this parcel; therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/18/08	The City Council approved a Petition to Annex (ANX-27240) property located on the east side of the Oso Blanca Road 850 feet north of the Kyle Canyon Road containing approximately 1.66 acres. The effective date of this Annexation was 06/27/08. The Planning Commission and staff recommended approval of this request.

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11/20/08	The Planning Commission held in abeyance for 60 days a request for a General Plan Amendment (GPA-29877) to Amend a portion of the Centennial Hills Sector Plan of the General Plan from PCD (Planned Community Development) to GC (General Commercial), a Rezoning (ZON-29878) from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to C-2 (General Commercial), a Variance (VAR-29881) to allow a 13-foot setback along the east property line where 20 feet is required and a Site Development Plan Review (SDR-29879) for a proposed 3,400 square-foot Service Station (without Automotive Repair) composed of a Convenience Store, Car Wash and Fuel Pumps and a 5,300 square-foot Restaurant with Drive-Thru with Waivers of the perimeter landscape requirements to allow a six-foot buffer along the south and east property lines where eight feet is required and a six-foot buffer along the west property line where 15 feet is required on 1.66 acres on the east side of Oso Blanca Road approximately 850 feet north of Kyle Canyon Road.
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Related Building Permits/Business Licenses

There are no building permits that exist for this site.

Pre-Application Meeting

08/20/08	A pre-application meeting was held with the applicant where elements of a General Plan Amendment, a Rezoning, a Site Development Plan Review, a parking Variance and a building setback Variance were discussed.
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Neighborhood Meeting

09/24/08	A neighborhood meeting was held at 6:00 P.M. at 6601 N Buffalo Dr., Las Vegas, Nevada 89131. There were no members of the public, two members of the development team and one member of the Planning and Development staff present. The meeting was ended at 6:30 P.M.
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Field Check

09/16/08	A field check was performed by staff at the subject property. The site was noted as vacant, consisting of natural rolling Mojave desert terrain adjacent to U.S. 95.
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Details of Application Request

Site Area

Gross Acres	1.66
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
North	U.S. 95	R.O.W.	R.O.W.
South	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
East	U.S. 95	R.O.W.	R.O.W.
West	Undeveloped	PCD (Planned Community Development)	H-2 (General Highway Frontage) – Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is a Rezoning request to change the zoning of the subject property from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to C-2 (General Commercial). The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan.

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The subject property is located within the of the Centennial Hills Sector Plan of the General Plan. The proposed General Plan Amendment (GPA-29877), if approved, would allow a GC (General Commercial) land use designation. The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

Staff has noted that the surrounding land uses include Clark County H-2 (General Highway Frontage) to the west and U (Undeveloped) [SC (Service Commercial) General Plan designation] zoned property to the south. The greater surrounding area consists of parcels zoned U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to the west and a small swath of parcels zoned U (Undeveloped) [SC (Service Commercial) General Plan designation] to the south. This proposal, which includes a Site Development Plan Review (SDR-29879) for a Convenience Store and Car Wash with Fuel Pumps and a Restaurant with Drive-Thru can be accomplished with a less intense zoning and land use designation than what is currently proposed. The Service Station (without Automotive Repair) with Fuel Pumps and Accessory Car Wash and Restaurant with Drive-Thru uses are all permissible uses within a C-1 (Limited Commercial) zoning district without the need for a Special Use Permit.

The Centennial Hills Sector Concept Land Use Map identifies this parcel as located within a Village Center. This conceptual designation was identified to encompass designed commercial, limited commercial and buffer residential and offices with equivalent General Plan Categories of SC (Service Commercial), MLA (Medium Low Attached Density Residential) and O (Office). Permissible zoning categories within the Village Center are C-1 (Limited Commercial), O (Office), P-R (Professional Office and Parking), and R-2 (Medium Low Density Residential). This request for C-2 (General Commercial) does not conform to the Village Center concept. A reduction in the intensity of the proposed zoning district would allow conformance with the Village Center concept identified in the Centennial Hills Sector Concept Land Use Map.

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Staff finds that this proposed Rezoning to C-2 (General Commercial) meets the Title 19.20.020 definition of Spot Zoning, which is, “Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.” As the applicant’s proposal for a Rezoning to the C-2 (General Commercial) zoning district for a Service Station (without Automotive Repair) with Fuel Pumps and Accessory Car Wash and a Restaurant with Drive Thru development cannot be accomplished without resulting in the subject parcel being zoned in isolation from the adjacent U (Undeveloped) [SC (Service Commercial) General Plan designation] zoned properties to the south and U (Undeveloped) [PCD (Planned Community Development) General Plan designation] properties to the west, staff recommends denial of this request. A less-intense zoning designation of C-1 (Limited Commercial) would be appropriate for this parcel and harmonious with the surrounding planned land uses.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

The proposed GC (General Commercial) land use designation on the subject parcel currently designated as PCD (Planned Community Development) is not compatible with the existing SC (Service Commercial) and PCD (Planned Community Development) properties that surround the subject site. The increase in the intensity of uses creates an incompatibility with the surrounding properties; therefore staff recommends denial of this request and the affiliated companion items.

2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”

Although the requested C-2 (General Commercial) zoning district is the appropriate zoning district for the requested GC (General Commercial) land use designation, this commercial district is incompatible with the surrounding U (Undeveloped) [SC (Service Commercial) General Plan designation] zoned properties to the south and U (Undeveloped) [PCD (Planned Community Development) General Plan designation] zoned properties to the west. The uses permitted by the proposed Rezoning will be much more intense than the planned surrounding land uses, and a reduction in scope to a C-1 (Limited Commercial) zoning district would be compatible with the surrounding land uses and zoning districts.

3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”

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Growth and development factors in the community do not indicate the need or appropriateness of the proposed rezoning. The subject property is isolated from utility connections and new development. Due to the remote location and isolation of the subject property staff finds this request to be premature.

4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”

The site is served by Oso Blanca Road, a local road according to the Master Plan of Streets and Highways, which in turn accesses Kyle Canyon Road, a State Highway according to the Master Plan of Streets and Highways. Kyle Canyon Road will be realigned to the south in the future and Oso Blanca Road will not extend further north, as this property will be located at the heart of the future Northern Beltway/U.S. 95 Interchange. While access to the site currently exists, due to the premature nature of this request, it is difficult to determine if future site access to the subject property will be adequate to support the proposed uses. Future road realignments may leave this property isolated and the future road network may not be able to support direct access to this parcel.

ASSEMBLY DISTRICT 13

NOTICES MAILED 41

APPROVALS 1

PROTESTS 0